

Claims 1-4, 6-10 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 5,672,415 to Sawyer et al. This rejection is respectfully **traversed**.

Claim 1 is directed to a thermoplastic polymer fabric comprising a plurality of continuous multicomponent filaments having a denier of less than about 3. The multicomponent filaments comprises a first polymeric component having a melt-flow rate of at least 150g/ 10 minutes and a second polymeric component having a melt-flow rate at least about 65% less than the melt-flow rate of the first polymeric component. Stated another way, the second polymeric component has a melt-flow rate which less than about 35% of the melt-flow rate of the first polymeric component. For example, if the first polymeric component has a melt-flow rate of 150g/ 10 minutes, the melt-flow rate of the second polymeric component must be less than about 52.5g/ 10 minutes. Claim 1 further requires that the second polymer component comprises a majority of the outer surface of the multicomponent filament. Further, claim 2 requires that the second polymeric component have a melt-flow rate at least about 75% less than the melt-flow rate of the first polymeric component and claim 3 requires that the second polymeric component have a melt-flow rate at least about 85% less than the melt-flow rate of the first polymeric component.

In the statement of the rejection, the Examiner does not address how the limitation of the claims, requiring that the second polymeric component have a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component is taught by Sawyer et al. The Examiner merely states that the melt-flow rates taught by Sawyer et al. are within Applicants claimed ranges, pointing to col. 3, lines 35-45 of Sawyer et al. Nothing in Sawyer et al. directs one skilled in the art to select the melt-flow rate of the polymers making up the multicomponent filaments within the limitations of the present claims. The polymers used in the examples of Sawyer et al. do not meet this limitation. One would have to carefully pick and choose from many different polymers available having different melt-flow rates to arrive at the claimed invention.

Regarding claim 8, this claim requires that the second polymer is an olefin and that the second polymer has a melt-flow rate less than about 50 g/10 minutes. This melt-flow rate appears to be outside the melt-flow rate suggested by Sawyer et al. in column 3.

In order for a reference to anticipate a claim, all of the limitations of the claim must be taught by the reference relied upon. Given that there is not a disclosure in Sawyer et al. which teaches that a second polymer must have a melt-flow rate which is 65%, 75% or 85% less than

a first polymer making up the multicomponent filaments, Sawyer et al. fail to anticipate claims 1-4 and 6-10. Furthermore, the limitations of claim 8 are also not taught by Sawyer et al., for the reasons stated above. Therefore, this rejection is untenable and should be withdrawn.

Claims 1-4, 6-10 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 6,420,285 to Newkirk et al. This rejection is respectfully **traversed**.

As is pointed out above, the present claims are directed to a thermoplastic polymer fabric comprising a plurality of continuous multicomponent filaments having a denier of less than about 3 which are prepared from multicomponent filaments comprising a first polymeric component having a melt-flow rate of at least 150g/ 10 minutes and a second polymeric component having a melt-flow rate at least about 65% less than the melt-flow rate of the first polymeric component. Newkirk et al. fails to teach at least two of these limitations of the present claims.

First, Newkirk et al. suggest that the maximum melt-flow rate or melt-flow index of the polymers used to prepare the multicomponent polymers should be less than 150 g/ 10 min. See column 12, line 11-14. Second, nothing in Newkirk et al. directs one skilled in the art to select the melt-flow rate a second polymer to be at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component, with the first polymer component having a melt-flow rate greater than 150 g/ 10 min. The polymers used in the Examples of Newkirk et al. do not meet this limitation and the Examiner has not addressed how these limitations are met by Newkirk et al.

In order for a reference to anticipate a claim, all of the limitations of the claim must be taught by the reference relied upon. Given that there is not a disclosure in Newkirk et al. which teaches that a second polymer must have a melt-flow rate which is 65%, 75% or 85% less than a first polymer making up the multicomponent filaments and/or that the first polymer has a melt-flow rate greater than 150 g/min., Newkirk et al. fail to anticipate claims 1-4 and 6-10. Therefore, this rejection is untenable and should be withdrawn.

Claim 5 was rejected under 35 USC § 103 as being obvious over U.S. Patent 5,672,415 to Sawyer et al. in view of U.S. Pat. No. 5,935,883 to Pike and U.S. Pat. No. 5,759,926 to Pike et al. This rejection is respectfully **traversed**.

The Examiner relies upon Pike '883 and Pike '926 to teach that it is known in the art to prepare multicomponent filaments having a striped cross-section. While Applicants do not deny the that multicomponent filaments with a striped cross-section are known in the art, Pike '883

and Pike '926 fail to remedy the deficiencies of Sawyer noted above. Specifically, the Pike references do not teach the claim limitations requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component.

In order for a combination of references to render a claim obvious, within the meaning of 35 USC § 103, the invention "as a whole", including all the limitation of the claims, must be taught or suggest by the combination of references. Since the combination of references does not teach the limitations of the claims requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component, the combination of the Pike references with Sawyer et al. fails to render claim 5 obvious.

Claim 5 was also rejected under 35 USC § 103 as being obvious over U.S. Patent 6,420,285 to Newkirk et al. in view of U.S. Pat. No. 5,935,883 to Pike and U.S. Pat. No. 5,759,926 to Pike et al. This rejection is respectfully **traversed**.

The Examiner relies upon Pike '883 and Pike '926 to teach that it is known in the art to prepare multicomponent filaments having a striped cross-section. Pike '883 and Pike '926 fail to remedy the deficiencies of Newkirk et al. noted above. Specifically, the Pike references do not teach the claim limitations requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component and that the first polymeric component has a melt-flow rate of at least 150 g/min.

In order for a combination of references to render a claim obvious, the invention "as a whole", including all the limitation of the claims, must be taught or suggest by the combination of references. Since the combination of references does not teach the limitations of the claims requiring that the second polymeric component has a melt-flow rate at least about 65% (claim 1), 75% (claim 2) or 85% (claim 3) less than the melt-flow rate of the first polymeric component and that the first polymeric component has a melt-flow rate of at least 150 g/min, the combination of the Pike references with Newkirk et al. fails to render claim 5 obvious, within the meaning of 35 USC§ 103.

For the reasons stated above, it is respectfully submitted that all of the present application is in condition are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.
deposit account number 11-0875.

The undersigned may be reached at: 770-587-7204.

Respectfully submitted,

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CERTIFICATE OF MAILING

I, Ralph H. Dean, Jr., hereby certify that on January 3, 2003, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Ralph H. Dean

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